

REMARKS

Introductory Comments

Reconsideration of the above-identified application in view of the above amendments and arguments set forth is respectfully requested.

Claim 1 is pending and under consideration. Claim 1 and the specification have been amended as explained below. No new matter has been added as a result of these amendments.

The Examiner states that the preliminary amendment filed on June 7, 2004, has not been entered because the substitute specification does not include a clean copy. The Examiner states that the preliminary amendment filed on June 24, 2004, has been entered.

Applicant herewith encloses a marked-up copy of the substitute specification and a clean copy of the substitute specification. The enclosed copies of the substitute specification reiterate changes made in the preliminary amendment filed on June 7, 2004. Please note that the enclosed copies of the substitute specification incorporate the changes made in the preliminary amendment filed on June 24, 2004 without the underlining and strike-through language since these amendments were previously entered. Additionally, the enclosed copies of the substitute specification correct two typographical errors on page 3, lines 8-9: "comparaisons" has been changed to "comparisons" and the period after "characteristics" has been changed to a colon.

The amendment to claim 1, submitted in the preliminary amendment filed on June 7, 2004 in the substitute specification, is reiterated above since it appears that the amendment to this claim has not been entered. The amendment merely changes the term "Lisa" to "Lizza".

Accordingly, Applicant respectfully requests acceptance of the substitute specification.

Objection to the Disclosure

The disclosure is objected to under 37 CFR 1.163(a) because the specification presents less than a full and complete botanical description and the characteristics which distinguish over related known varieties.

Specifically, the Examiner states the following and Applicant has amended the specification in response.

The Examiner states that on page 2, line 9, the term “taken” should be deleted because it would clearly describe the location of asexual reproduction of the claimed plant. Applicant has deleted the term as suggested by the Examiner.

The Examiner states that the parent cultivar should be indicated as to whether it has been patented, is currently the subjects of pending patent applications or is not patented. Applicant has amended on page 2, line 4 of the specification to recite that the cultivar has not been patented, as suggested by the Examiner.

The Examiner states that the receptacle's surface texture should be described in the specification. Applicant has amended page 6, lines 11-12, by reciting that the receptacle texture is rough, as suggested by the Examiner. Additionally, Applicant has corrected the typographical error regarding “receptical” on page 6, lines 10-11.

The Examiner states that Applicant should correct the conflicting description of the apex on page 6, line 18, since it is inconsistent with what is shown on the photographs. Applicant has amended page 6, line 18, by deleting “Pointed to slightly rounded” and inserting “Obtuse to emarginate with two or three tips” with respect to the description of the apex.

The Examiner states that there appears to be some confusion as to the description of the Sepals and the Involucral organs on page 7, lines 3 and 6, respectively. Applicant has deleted “Sepals” on page 7, line 3, and inserted “Outer involucral bracts” therefor. Additionally, the “Involucral bracts” on page 7, line 6, has been clarified to read “Inner involucral bracts” instead.

The Examiner states that Applicant should set forth in the specification the average number of inflorescence per flowering branch or plant. Applicant has

amended page 6, line 2, by stating that there are approximately 3 inflorescences open at any one time.

Applicant thanks the Examiner for her suggestions.

Therefore, Applicant respectfully requests withdrawal of the objection to the disclosure under 37 CFR 1.163(a) because the specification presents less than a full and complete botanical description and the characteristics which distinguish over related known varieties.

Rejection of Claim 1 Under 35 U.S.C. § 112, First and Second Paragraph

Claim 1 is rejected under 35 U.S.C. § 112, first and second paragraph, as not being supported by clear and complete botanical description of the plant for reasons set forth in the Objection to the Disclosure Section above.

Applicant has amended the specification as indicated above. The amendment should obviate the Objection to the Disclosure.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, first and second paragraph, as not being supported by clear and complete botanical description of the plant for reasons set forth in the Objection to the Disclosure Section above.

CONCLUSION

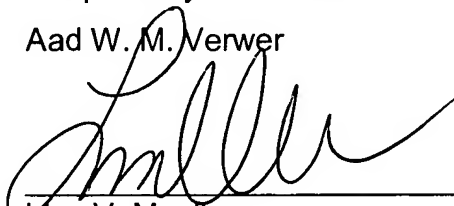
Applicant respectfully submits that the claims and the specification comply with the requirements of 35 U.S.C. Section 112. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

Aad W. M. Verwer

A handwritten signature in black ink, appearing to read 'Lisa V. Mueller', is written over a horizontal line.

Lisa V. Mueller

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